



Submission to the Religious Freedom Review 2018

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Addressed to:

The Expert Panel on Religious Freedom
C/O Department of the Prime Minister and Cabinet

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<https://pmc.gov.au/domestic-policy/religious-freedom-review/submission>

Contributors

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Confidentiality

This submission does not need to be kept confidential and may be made public.

Introduction

The stated purpose for this review is to assess religious freedoms in Australia. However, we believe this review should assess freedom *from* religion and focus its scrutiny on the existing privileges that the religious have over the non-religious. The non-religious lack the rights to execute their beliefs and desires in the way that the followers of mainstream religions enjoy. In a review purporting to act in the interest of people's freedom to act on their beliefs, this disparity cannot be ignored.

Secular Government is one of the core principles of the Science Party and is vitally important to the freedoms of the religious and non-religious alike. While people of all religious and non-religious beliefs have experienced discrimination (and in some cases violence), we are concerned that the implied focus of this inquiry is the loss of privilege that mainstream religions face as our society grows more secular and diverse, or the ways in which religious people may face new restrictions—restrictions which may be warranted, on the basis that old “freedoms” in fact constituted religious-based discrimination. We believe greater restrictions have occurred and continue to occur against followers of non-dominant and non-state registered religions, and against the 30% of Australians who according to the 2016 Census¹ do not actively practice a religion.

When discussing religious freedoms, we should consider what we believe to be a religion. A definition of religion that requires a belief in supernatural beings or supernatural happenings does not encompass all things that people consider religion. Further, people who are not religious observe small rituals like visiting family during traditionally religious holidays, and they preserve a level of personal morality in the absence of a religious belief. These ways of life put the non-religious shoulder-to-shoulder with followers of mainstream religions.

Religious institutions are currently privileged through tax advantages, receive government money through initiatives like the chaplaincy program, may establish regulated institutions such as schools, and are given access to children in non-religious government schools to spread their beliefs in ways that equivalent non-religious groups would not be allowed. Preferential treatment of religious institutions by the state implies the violation of the rights of people who hold other beliefs, through unequal treatment.

Given both the level of discrimination that occurs and the total number of non-religious people who have limited rights, the Science Party strongly believes that the current inquiry should focus its scrutiny on the lack of rights that followers of minority religions and the non-religious have in comparison to the followers of dominant, state-recognised religions.

¹<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/7E65A144540551D7CA258148000E2B85?OpenDocument>

Recommendations

The Science Party makes the following recommendations with the aim of ensuring fairness and freedom of beliefs for individuals; and avoiding discrimination against or preferential treatment of religious organisations, or of individuals on the basis of religion or lack thereof.

Many of these points are also included in the Australian Secular Lobby's "Secular Agenda"².

Freedom of speech

- Religious vilification laws should protect people; they should not jeopardise the freedom to question the soundness of any religious belief. Any new laws should not outlaw such speech; and blasphemy laws (which exist in common law in most Australian jurisdictions) should be repealed.

Religion in public life

- Remove prayers and religious icons from public institutions, including parliament. Religious observance in secular workplaces excludes people who observe a different or no religion, and implies that adherence to the tenets of that religion is expected in the workplace.

Education

- Remove Special Religious Education (SRE) classes from the regular school timetable (schools should be free to offer SRE outside of regular class hours) and instead include ethics and critical thinking classes in the Australian Curriculum. SRE disadvantages students by occupying time in a crowded school schedule to teach the tenets of a single religion.
- Schools that teach creationism as a current and plausible theory should receive no government funding. The evidence for a several billion-year timeline of the earth and for the evolution of species is overwhelming. To teach children creationism as a competing theory (rather than as a historical belief) is harmful.
- Abolish the National School Chaplaincy Program and instate a National School Counselling Program. Quarantining funds for religious chaplains instead of qualified counsellors is an egregious example of religious privilege that can harm children by denying them evidence-based care.

Healthcare

- Ban surgical procedures determined by the medical profession to be non-therapeutic, including religious-based male circumcision or female genital mutilation, for children too young to consent to the procedure.
- Introduce legislation to prevent healthcare providers from refusing clinical procedures on religious grounds.

²<https://www.nationalsecularlobby.org/about/the-secular-agenda>

Protection of children and other vulnerable groups

- Implement Recommendation 7.3(e) of the Royal Commission into Institutional Responses to Child Sexual Abuse: "*people in religious ministry*" should be "*mandatory reporters [of child sexual abuse] in every jurisdiction*". Governments must prioritise the welfare of their citizens over, for example, the Seal of the Confessional.
- Government funding should be available to religious organisations (including schools, hospitals and aged care facilities) only if those organisations do not proselytise, and if they comply with anti-discrimination laws (for example, non-discrimination against job applicants on the basis of religious beliefs, for secular roles).

Marriage and Family

Socially and legally, Australia does not accept the sexual orientation of the customer as a reason for denying goods or services that are usually made available. As such:

- Businesses should not be granted exemptions from existing anti-discrimination laws in order to lawfully deny goods or services on the basis that these products are sought for use in a same-sex wedding.
- Civil celebrants should not be granted the right to refuse to solemnise a same-sex marriage for the reason that it is a same-sex marriage.
- Ministers of religion authorised to solemnise marriages should retain the ability to refuse to solemnise any marriage for any reason. The privilege to refuse to solemnise a same-sex marriage for the reason that it is a same-sex marriage is implied, and should not be specifically listed in law, as it would be redundant and divisive to do so.
- Child adoption agencies should not be granted exemptions from existing anti-discrimination laws to reject same-sex couples who wish to adopt, on the basis of being a same-sex couple.

Tax exemptions

- Repeal subsection 12(1)(d) of the Charities Act, which defines "*the advancement of religion*" as a charitable purpose, thus qualifying some undeserving religious activities as tax-exempt. Only the charitable portions of a religious organisation's operations (as covered elsewhere in section 12(1) of the act) should qualify for the charitable tax exemption. Unlike other causes defined as charitable (such as the advancement of health, education or human rights), the advancement of religion cannot be uncritically regarded as being for the public benefit. Religion is a personal choice, and individuals and societies flourish with or without religion.

The Science Party appreciates the opportunity to comment on this review into religious freedom and hopes that the review outcomes will define a path towards strongly secular government, ensuring freedom for followers of all religions and equally for the non-religious.